

TESTIMONY
OF THE
AUTOMOTIVE AFTERMARKET INDUSTRY ASSOCIATION
AND
AUTOMOTIVE WAREHOUSE DISTRIBUTORS ASSOCIATION

CONCERNING REVISIONS TO REGULATIONS REQUIRING AVAILABILITY
OF
INFORMATION FOR
EMISSION-RELATED REPAIRS ON 1994 AND LATER MODEL YEAR LIGHT
AND HEAVY-DUTY VEHICLES

PRESENTED TO
THE U. S. ENVIRONMENTAL PROTECTION AGENCY
JULY 25, 2001
RE: DOCKET NO. A-2000-49

On behalf of the Automotive Aftermarket Industry Association (AAIA) and the Automotive Warehouse Distributors Association (AWDA), I want to state our strong support for the proposed rule issued by EPA on June 8th. Independent service facilities continue to experience problems both finding and obtaining information necessary to maintain and service vehicles with sophisticated on-board diagnostic systems. The problems generally fall into three categories: the information or tools have not been made available; the information is available, but cannot be found; or the information and tools are available, but are not affordable. AAIA and AWDA believe that each issue must be addressed in order to ensure that the motoring public can obtain affordable and effective repairs to their vehicle's emissions system.

EPA needed to revise the service information rules for technological reasons as well. Since 1995, much has changed and it is incumbent on the Agency to update the rules in order to take advantage of the technologies available now that might not have been available or affordable back in 1995. EPA's decision to require information be provided over car company maintained web sites is a great example of how, if implemented properly, current technology can help both speed delivery of information and ensure full access to all information to the service industry at an affordable price.

Cost of Information

Affordable price is of course the key. A major issue for independents when it comes to both information and enhanced tools is and will continue to be their cost. Small and medium sized service facilities need affordable access to sophisticated tools and information for many different makes and models. When I say affordable, I don't mean for free. Reasonable prices necessary to recoup delivery costs are to be expected. However, access to these very important web sites should not become a profit center for the manufacturers.

AAIA and AWDA appreciate the fact that EPA is attempting to control the costs of access to the web site. We particularly support mandating that car manufacturers provide for flexible access by the day, month or year. However, the proposed price caps that are included in the proposal are too high and if utilized by every manufacturer will essentially put regular access to the web sites beyond the reach of most service facilities. We also are unclear as to why the car companies would need to charge this much based on today's costs for establishing and operating a web site and the fact that its use will be spread over thousands of service facilities, including the franchised dealerships. AAIA urges that the cost caps be significantly lowered.

In either case, the Agency should retain and augment the factors for judging costs as specified in the current regulations. We would recommend that the factors be modified similar to those proposed in the latest July 19 California service information draft. These factors are more specific than those in the current EPA rules regarding what types of costs that are permitted to be passed on to independents by manufacturers. The California proposal also takes into account the affordability of the information to the average service facility. As I stated at the outset, affordability is the bottom line. Unless small and

medium sized service facilities can afford to purchase the information and tools, the intent of the service information provisions of the Clean Air Act will not be carried out.

Finally, the Agency should provide that the cost to third parties for access to information is affordable. While these proposals will greatly assist independents obtain information directly from car companies, we believe that third party information and tool providers will continue to play a major role in the independent aftermarket. Through years of experience with our industry, they have developed the tools and information products that are needed by the service industry at prices that are affordable. Should the car companies attempt to severely increase costs to these groups, the impact on the service repair shop and its customers will be severe.

Regarding third party information providers, we support requirements that information be provided to them electronically as the most cost effective method for access by this sector. While web sites are an excellent method for making service information available to repair shops, it is an inefficient method for providing service information to third parties who will need to reuse the information in their own products. We therefore request that EPA drop the option of providing service information over designated web sites for use by third parties.

Web Site Performance Standards

AAIA and AWDA supports provisions in the proposal that will require manufacturers to submit, on an annual basis, a report that provides detailed, monthly measurements of the OEM Web site. However, we are concerned that unless there are also standards by which these reports can be judged, EPA will have difficulty taking enforcement action against a car company site that is not accessible to independents. Therefore, we urge that the Agency adopt performance standards regarding the web sites similar to those proposed by the Air Resources Board in their July 19 draft. These include ensuring that the server has sufficient capacity to allow ready access by all covered persons and has sufficient downloading capacity to ensure that all covered persons may obtain needed information without undue delay.

Anti-theft Re-initialization Procedures

AAIA and AWDA are pleased that EPA will mandate that car companies provide service facilities with the ability to reinitialize anti-theft systems after emissions repairs are completed. However, we are concerned that the provision does not go far enough toward ensuring that independents can provide a full range of affordable repairs for cars equipped with these theft systems.

Specifically, in order to repair an electronic control unit (ECU) on vehicles, the unit must be removed and sent off-site where it is rebuilt. In the case of vehicles that use integrated anti-theft systems, the off-site facilities that repair the ECU will need to have the ability

to test the devices in order to ensure proper operation once the unit is placed back on the vehicle. This testing will require that the facility possess access to either the codes themselves or a “black box” which contains the codes. Since there are only a few companies that perform ECU repairs, car companies should be able to enter into licensing systems similar to those done with the diagnostic tool manufacturers. Such an arrangement would protect the integrity of the system while still allowing for competition in the emissions repair market. Many of the vehicle manufacturers are already providing this same information to their contractors in order to permit repair of their ECUs.

Thank you for the opportunity to provide these comments. The Agency and its staff are to be commended for the hard work that went into producing this proposal. We hope that the Agency will expeditiously move toward finalizing this regulation so that competition in the emissions repair industry can be assured.